

DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, CA 95814



December 30, 1986

ALL-COUNTY LETTER NO. 86-137

TO: ALL COUNTY WELFARE DIRECTORS

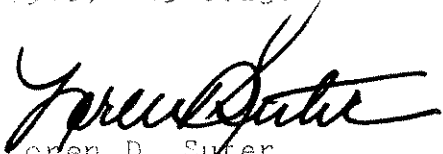
SUBJECT: DISABLED RIGHTS UNION V. WOODS - COURT JUDGMENT
IN THE IN-HOME SUPPORTIVE SERVICES (IHSS) PROGRAM

On August 29, 1986, the Superior Court of the State of California for the County of Los Angeles issued an order for Stipulated Judgment in Disabled Rights Union v. Woods (State Department of Social Services). The judgment (see attachment) requires that the Department promulgate regulations in the IHSS program to implement the requirements of this court decision. Until such regulations are filed, in order to comply with the judgment, county welfare departments must follow the requirements described below:

1. With respect to "domestic services", the Department will add the following to Section MPP 30-757.11(k) "miscellaneous domestic services (e.g., changing light bulbs) when the service is identified and documented by the caseworker as necessary for the recipient to remain safely in his/her home."
2. With respect to "heavy cleaning," the Department will amend Section MPP 30-757.121 so the last sentence will read: "The county shall also have the authority to authorize this service should the recipient's living conditions result in a threat to his/her safety and such service may be authorized where a recipient is at risk of eviction for failure to prepare his/her home or abode for fumigation as required by statute or ordinance. The caseworker shall document the circumstances justifying any such allowance."

3. With respect to "time per task," the Department will substitute the word "standards" for "guidelines" in MPP Section 30-758.2 and 30-758.3 and will amend 30-758.4 to read: "Welfare and Institutions Code Section 12301.2 states: Time per task guidelines can be used only if appropriate in meeting the individual's particular circumstances. Exceptions to time for task guidelines may be made when necessary to enable the recipient to establish and maintain an independent living arrangement and/or remain safely in his/her home or abode of his/her own choosing."
4. The guidelines set forth in MPP Section 30-758.4 shall also include an evaluation by the County that the services are necessary to avoid out-of-home placement or loss of employment or because conditions present a threat to the recipient's safety or substantial threat to his/her health.

If you have any questions regarding the above amendments, please contact your Adult and Family Services Operations Consultant at (916) 445-0623.



Loren D. Suter
Deputy Director
Adult and Family Services

cc: CWDA

MARILYN HOLLE
PROTECTION & ADVOCACY
1052 West 6th Street, Suite 204
Los Angeles, California 90017
Telephone: (213) 481-7431

ELENA H. ACKEL
LEGAL AID FOUNDATION OF LOS ANGELES
1636 West 8th Street, Suite 313
Los Angeles, California 90017
Telephone: (213) 389-3581

Attorneys for Plaintiffs

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF LOS ANGELES

DISABLED RIGHTS UNION; EFFIE JEAN)
STIES; DONALD E. CALLAHAN; LAURA)
MAKI; DIANE MAUTHE; PAUL JACKSON,)
by LORRAINE JACKSON, guardian ad)
litem,)

Plaintiffs/Petitioners,)

v.)

MARION WOODS, as Director of the)
Department of Social Services;)
DEPARTMENT OF SOCIAL SERVICES, an)
agency of the State of Califor-)
nia; MARY ANN GRAVES, as Director)
of the Department of Finance; EU-)
GENE LIVINGSTONE, as Director of)
the Office of Administrative Law;)
STATE OF CALIFORNIA, a political)
entity; DOES 1 through 58, inclu-)
sive,)

Defendants/Respondents.)

CASE NO. C 480 047

PEREMPTORY
WRIT OF MANDATE

TO: The Director of the State Department of Social Services,
and the other Defendants:

Pursuant to a stipulation between the parties, it
has been agreed that judgment be entered in this proceeding
ordering that a peremptory writ of mandate issue under the seal of

ORIGINAL FILED
AUG 29 1986
COUNTY CLERK

1 this court upon the terms set forth herein.

2 Accordingly, a writ of mandate shall issue requiring you
3 to fulfill the following duties and requirements:

4 1. With respect to "domestic services," the Department
5 will institute a regulation package which will add the following
6 to MPP section 30-757.11:

7 "(k) Miscellaneous domestic services (e.g.,
8 changing light bulbs) when the service is identified and
9 documented by the caseworker as necessary for the
10 recipient to remain safely in his/her home."

11 2. With respect to "heavy cleaning" (see MPP section
12 30-757.121), the Department will:

13 (i) Institute a regulation package which will
14 amend MPP section 30-757.121 so that the last sentence
15 thereof will read: "The county shall also have the
16 authority to authorize this service should the
17 recipient's living conditions result in a threat to
18 his/her safety;" and

19 (ii) Instruct counties by All County Letter that
20 such service may be authorized where a recipient is at
21 risk of eviction for failure to prepare his/her home or
22 abode for fumigation as required by statute or
23 ordinance. The caseworker shall document the
24 circumstances justifying any such allowance.

25 3. With respect to "time per task", the Department
26 will:

27 ////

28 ////

1 (1) Institute a regulation package which
2 substitutes the word "standards" with "guidelines" where
3 same presently appears in MPP sections 30-758.2 and
4 30-758.3 and which will amend section 30-758.4 to read:
5 "4. Welfare and Institutes Code section 12301.2 states:
6 Time for task guidelines can be used only if appropriate
7 in meeting the individual's particular circumstances.
8 Exceptions to time for task guidelines may be made when
9 necessary to enable the recipient to establish and
10 maintain an independent living arrangement and/or remain
11 safely in his/her home or abode of his/her own
12 choosing."

13 (ii) Instruct the counties by handbook and All
14 County Letter that the standard set forth in MPP section
15 30-758.4 above includes an evaluation that the services
16 are necessary to avoid out-of-home placement or loss of
17 employment, or because conditions present a threat to
18 the recipient's safety or substantial threat to his/her
19 health.

20 4. The All County Letter provided for above shall be
21 issued within ninety (90) days from the date of entry hereof.

22 ////

23 ////

24 ////

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

You are further commanded to serve and file a written return to this writ on or before December 1, 1986, indicating how you have complied with the particulars of this Writ.

DATED: AUG 29 1986 1986.



By: Frank S. Zolin
County Clerk

By: Garnal
Deputy Clerk of the
Superior Court

Let the foregoing Writ issue.

DATED: 1986.

AUG 29 1986

Jack M. Newman
JACK M. NEWMAN
~~Judge/Commissioner~~ of
the Superior Court

FILED
AUG 29 1986
FRANK S. ZOLLI, County Clerk
BY T. GARZA, *J. Rye*

AUG 29 1986
FRANK S. ZOLIT, County Clerk
BY T. GARZA *J. Hays*

Case No. C 380 047

JUDGMENT PURSUANT
TO STIPULATION

MARION WOODS, as Director of the Department of Social Services; DEPARTMENT OF SOCIAL SERVICES, an agency of the State of California; MARY ANN GRAVES, as Director of the Department of Finance; EUGENE LIVINGSTONE, as Director of the Office of Administrative Law; STATE OF CALIFORNIA, a political entity; DOES 1 through 58, inclusive,

This action for injunctive, declaratory and mandamus relief was commenced on August 26, 1981, alleging that certain statutes and regulations pursuant to Senate Bill No. 633, pertaining to the In-Home Supportive Services ("IHSS"), program were invalid.

1 On October 13, 1981 a preliminary injunction was
2 issued. thereafter modified by order dated December 7, 1981,
3 concerning defendants' initial Notices of Action to IHSS
4 recipients in purported implementation of Senate Bill No. 633.

5 Several of the issues raised by the First Amended
6 Complaint/Petition herein have been resolved by legislation,
7 amendatory regulations and agreement among the parties.

8 In the interest of resolving certain of the remaining
9 issues in this case and in accordance with the Stipulation for
10 Entry of Judgment submitted by the parties herewith,

11 IT IS HEREBY ORDERED, ADJUDGED AND DECREED:

12 1. That a writ of mandate shall issue on the
13 following terms:

14 A. With respect to "domestic services,"
15 the Department will institute a regulation
16 package which will add the following to
17 MPP § 30-757.11:

18 "(k) Miscellaneous domestic
19 services (e.g., changing light bulbs)
20 when the service is identified and OK ✓
21 documented by the caseworker as
22 necessary for the recipient to remain
23 safely in his/her home."

24 B. With respect to "heavy cleaning" (see
25 MPP § 30-757.121), the Department will:

26 (i) Institute a regulation
27 package which will amend MPP § 30-757.121

1 so that the last sentence thereof will read:

2 "The county shall also have the authority to
3 authorize this service should the recipient's
4 living conditions result in a threat to
5 his/her safety;" and

6 (ii) Instruct counties by All
7 County Letter that such service may be
8 authorized where a recipient is at risk
9 of eviction for failure to prepare
10 his/her home or abode for fumigation as
11 required by statute or ordinance. The
12 caseworker shall document the circumstances
13 justifying any such allowance.

14 C. With respect to "time per task," the Department
15 will:

16 (i) Institute a regulation package
17 which substitutes the word "standards" with
18 "guidelines" where same presently appears
19 in MPP §§ 30-758.2 and 30-758.3 and
20 which will amend § 30-758.4 to read:
21 "4. Welfare and Institutes Code section 12301.2
22 states: Time for task guidelines can be
23 used only if appropriate in meeting the
24 individual's particular circumstances.
25 Exceptions to time for task guidelines may
26 be made when necessary to enable the
27 recipient to establish and maintain an

1 independent living arrangement and/or
2 remain safely in his/her home or abode
3 of his/her own choosing.

4 (ii) Instruct the counties by
5 handbook and All County Letter that the
6 standard set forth in MPP § 30-758.4 above
7 includes an evaluation that the services
8 are necessary to avoid out-of-home placement
9 or loss of employment, or because conditions
10 present a threat to the recipient's safety
11 or substantial threat to his/her health.

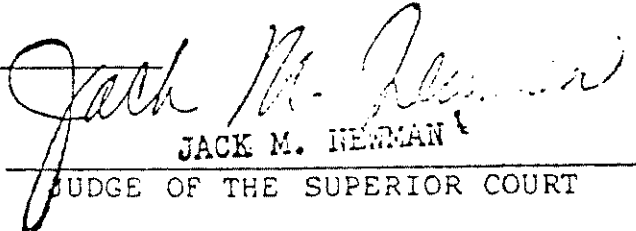
12 The All County Letter provided for above shall be
13 issued within ninety (90) days from the date of entry hereof.

14 2. That all issues and causes of action not resolved
15 hereby are dismissed with prejudice against all defendants.

16 3. That the provisions of this Judgment are intended
17 to operate prospectively only and are not intended as an
18 adjudication of the validity of any course of conduct or
19 provision of law encompassed by the instant suit.

20 4. That plaintiffs shall be considered the prevailing
21 party and are entitled to reasonable attorneys fees and costs
22 for this action. The parties shall attempt to reach agreement
23 regarding the amount of such fees. If the parties are unable to
24 agree on the amount of such fees, plaintiffs may move the court
25 for an award of fees.

26 DATED: AUG 29 1986

27 
JACK M. NEWMAN

JUDGE OF THE SUPERIOR COURT

FILED
AUG 26

AUG 29 1985
FRANK S. ZOLIN, County Clerk
BY T. GARZA *J. Lopez*

BY T. GARZA J. L. Co
F CALIFORNIA

Case No. C 380 047

STIPULATION FOR
ENTRY OF JUDGMENT

v.

Defendants/Respondents.

1.

1 Social Services, an agency of the State of California:

2 1. That, for the purpose of amicably resolving
3 disputed claims, plaintiffs and defendants have agreed to settle
4 this action without trial or further proceedings, and without
5 this Stipulation constituting any evidence, admission or
6 adjudication with respect to any issue of fact or law.

7 2. That plaintiffs and defendants hereby waive the
8 entry of a statement of decision, findings of fact and
9 conclusions of law, and any other adjudication of any issue of
10 fact or law, and agree to the entry by this court of a Judgment
11 Pursuant to Stipulation, in the form attached hereto and
12 incorporated herein by reference (hereafter "Judgment"), at any
13 time after submission thereof.

14 3. That plaintiffs and defendants agree to all of the
15 terms and conditions as set forth in this Stipulation and the
16 Judgment and agree to perform all acts required herein and
17 therein.

18 4. That nothing in this Stipulation is intended in any
19 way to resolve any issue not expressly addressed herein or in the
20 Judgment.

21 5. That Plaintiffs shall be considered the prevailing
22 party and are entitled to reasonable attorneys fees and costs for
23 this action. The parties shall attempt to reach agreement

24 /

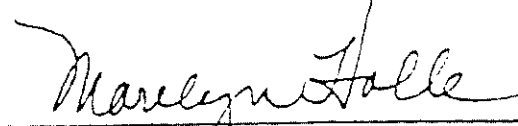
25 /

26 /


27 /

1 regarding the amount of such fees. If the parties are unable to
2 agree on the amount of such fees, plaintiffs may move the court
3 for an award of fees.

4
5 DATED: 8-21-86


MARILYN L. HOLLE
PROTECTION AND ADVOCACY, INC.
Attorney for Plaintiffs

6
7
8
9 DATED: 8-21-86


JAMES E. RYAN
Deputy Attorney General
Attorneys for Defendants

10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25 JER:bc:jt
26 BJC:STIPl
27 8/15/86